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ORDINANCE NO. 8069

AN EMERGENCY ORDINANCE SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY OF BOULDER AT THE GENERAL MUNICIPAL COORDINATED ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2015, THE QUESTION SUBMITTED AS AN INITIATED AMENDMENT TO THE CHARTER BY ADDING A NEW SECTION 12A TO REQUIRE NEW DEVELOPMENT TO FULLY PAY FOR ADDITIONAL FACILITIES AND SERVICES REQUIRED BY THAT NEW DEVELOPMENT; SETTING FORTH THE BALLOT TITLE; AND SPECIFYING THE FORM OF THE BALLOT AND OTHER ELECTION PROCEDURES AND SETTING FORTH RELATED DETAILS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER,  
COLORADO:

Section 1. On July 16, 2015, a petition committee presented a petition with sufficient signatures of registered electors to initiate a vote on a proposed addition to the City Charter pursuant to section 31-2-210 C.R.S. The City Council is required to set the ballot title for the proposed amendment.

Section 2. A general municipal coordinated election will be held in the City of Boulder, County of Boulder and State of Colorado, on Tuesday, November 3, 2015.

Section 3. At that election, there shall be submitted to the electors of the City of Boulder entitled by law to vote the question of making the amendment to the City Charter proposed by the petition committee with the following ballot title, which shall also be the designation and submission clause for the measure:

Ballot Question No. \_\_\_\_\_

**New Development Shall Pay Its Own Way:**

Shall the Boulder Home Rule Charter be amended to prevent the city, to the extent allowed by state and federal law, from approving new development that does not fully pay for or otherwise provide additional facilities and services to fully offset the additional burdens imposed by the new development; such facilities and services to include without limitation police, fire-rescue, parks and recreation, public libraries, housing, human services, senior services, parking services, transportation, and open space and mountain parks, but exempting utilities that have set services standards including water, wastewater, flood control, and electric; and to require the city council to apply standards and practices reasonably designed to achieve the requirements of this section, that are consistent with generally accepted professional standards and practices where they exist, and that consider indirect revenues and contributions from new development, such as sales and use tax paid by occupants; and to require the standards for transportation facilities and services to include without limitation emergency response times, daily vehicle miles traveled within the city, and travel times on designated streets during morning and evening peak and near-peak hours; and shall the city council by a vote of six members be able to exempt permanently affordable housing or publicly-owned new developments from this section; and shall new development with a complete and proper application for a building permit, or a change of use permit as of the date of passage of this section, be exempt from the requirements of this section, but only for the construction or change of use covered by the permit or change of use application as submitted; and shall the city manager be required to report annually all standards used and a summary of the measurements and actions taken and analyses performed to satisfy this section; and setting forth related details set forth in the initiated petition for this measure?

For the Measure \_\_\_\_\_

Against the Measure \_\_\_\_\_

Section 4. If a majority of all the votes cast at the election on the measure submitted are for the measure, the measure shall be deemed to have passed and the Charter shall be amended as provided in this ordinance. If this ballot measure is approved by the voters, the Charter shall be so amended, and the City Council may adopt any necessary amendments to the Boulder Revised Code to implement this change.

1           Section 5. The election shall be conducted under the provisions of the Colorado  
2 Constitution, the Charter and ordinances of the City, the Boulder Revised Code, 1981, and this  
3 ordinance.

4           Section 6. The officers of the City are authorized to take all action necessary or  
5 appropriate to effectuate the provisions of this ordinance and to contract with the county clerk to  
6 conduct the election for the City.

7           Section 7. If any section, paragraph, clause, or provision of this ordinance shall for any  
8 reason be held to be invalid or unenforceable, such decision shall not affect any of the remaining  
9 provisions of this ordinance.

10          Section 8. This ordinance is necessary to protect the public health, safety, and welfare of  
11 the residents of the City, and covers matters of local concern.

12          Section 9. The City Council deems it appropriate that this ordinance be published by title  
13 only and orders that copies of this ordinance be made available in the office of the city clerk for  
14 public inspection and acquisition.

15          Section 10. The City Council finds that this ordinance is necessary for the immediate  
16 preservation of the public peace, health, or property. The City Council amended the ordinance  
17 on final reading. This ordinance includes a ballot measure. Emergency passage is necessary to  
18 allow time for this matter to be placed on the November 3, 2015 ballot.  
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INTRODUCED, READ ON FIRST READING AND ORDERED PUBLISHED BY

TITLE ONLY this 18<sup>th</sup> day of August, 2015.

  
Mayor

Attest:

  
City Clerk

READ ON SECOND READING, PASSED, ADOPTED, AS AN EMERGENCY  
MEASURE BY TWO-THIRDS OF COUNCIL MEMBERS PRESENT, AND ORDERED  
PUBLISHED BY TITLE ONLY this 1<sup>st</sup> day of September, 2015.

  
Mayor

Attest:

  
City Clerk